



Redlined for Curb Side Pickup Station Addition
July 08, 2015

Spring Mill Station NE Quadrant

PLANNED UNIT DEVELOPMENT

ORIGINAL ORDINANCE

Ordinance No.: 14-39

Adoption Date: September 8, 2014

Instrument No.: 2014043722



ORDINANCE NUMBER 14-39

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
TITLE 16 – LAND USE CONTROLS**

This is a Planned Unit Development District Ordinance (to be known as the “**Spring Mill Station Northeast Quadrant PUD**”) to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1405-PUD-06**), requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1405-PUD-06** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **positive** recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on August 19th, 2014;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

COPY

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Ordinance is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Spring Mill Station Northeast Quadrant PUD**" (the "District").
- 1.2 Upon adoption of this ordinance, the CrossRoads Church PUD Ordinance, recorded as Instrument No. 2012013233 in the Office of the Recorder of Hamilton County, Indiana, and adopted by the Common Council on March 12, 2012, as Ordinance No. 12-03, shall be repealed and made inapplicable to the Real Estate, and shall be superseded by the terms of this ordinance.
- 1.3 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Zoning Ordinance as set forth herein, unless specifically modified by the terms of this Ordinance.
- 1.4 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

- 2.1 Character Exhibit(s). The illustrative exhibits attached hereto and incorporated by reference as Exhibit B. The exhibits are conceptual in nature and provided to illustrate the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
- 2.2 Conceptual Plans: The conceptual plans (the "Conceptual Plans") are attached hereto and incorporated herein by reference as Exhibit C.
- 2.3 Developer: Any individual, corporation, partnership or entity engaged in the improvement of a parcel of land or construction of a building within the District.
- 2.4 Underlying Zoning District: The Zoning District of the Zoning Ordinance that shall govern the development of the District and its various subareas, as set forth in this Ordinance.

Section 3. Conceptual Plan. The Real Estate shall be developed in substantial compliance with the Conceptual Plans. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be

2.5 Curb Side Pickup Station: Dedicated parking spaces with covering canopy, appertenances and wayfinding/identification signage where pre-ordered merchandise is received by the customer as referenced as Exhibit E.

appealed to the Plan Commission.

Section 4. Underlying Zoning Districts. The Underlying Zoning District shall be the GB-General Business District. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the Underlying Zoning District, as set forth above, shall apply.

Section 5. Permitted Uses. The uses permitted in "Area A.1" & "Area A.3" shall be the same as the Underlying Zoning District. The uses permitted "Area A.2" shall be Gasoline Service Station. "Area A.1" shall allow the Curb Side Pickup Station as defined heretofore.

Section 6. Development Standards. The regulations of the Underlying Zoning District shall apply to the development of the District, unless otherwise modified herein.

Section 7. Setbacks. Setbacks shall be as follows:

"Area A.1"

- A. Front Yard along 161st St. shall be at least fifty (50) feet.
- B. Side and Rear yards that abut existing residential shall be at least sixty (60) feet. Except the north side/rear yard which shall be forty (40) feet.

"Area A.2"

- C. Front Yard along Spring Mill shall be at least fifty (50) feet.
- D. Side Yard that abuts residential to the north shall be at least fifty-five (55) feet.

Section 8. Parking. The parking and loading standards of the Zoning Ordinance (*WC § 16.04.120*) shall apply.

Section 9. Landscaping and Screening. The District's landscaping and screening shall comply with the Zoning Ordinance (*WC § 16.06*), except as otherwise provided below.

"Area A.2"

- A. The north buffer yard shall be at least twenty-eight (28) feet wide on the property. A twenty-seven (27) feet wide easement on the Townhomes at Countryside Condominiums property shall be utilized to provide a total of a fifty-five (55) feet wide buffering area.
- B. A visual barrier shall be provided between the District and Townhomes at Countryside Condominiums to the north. The visual buffer shall consist of an earthen berm and plantings. The plantings shall include coniferous trees for year round screening and deciduous trees for visual interest. The

"Area A.1"
Landscaping and Screening shall be installed in substantial compliance with Exhibit E5.

coniferous trees at the time of planting shall be at least eight (8) feet tall. The earthen berm shall be at least eight (8) feet tall. The species of the coniferous trees shall be a "Green Giant" Arborvitae, or similar species, which is known for its vigorous growth rates of 2-3' per year after established. Such plantings and berm shall be installed in substantial compliance with **Exhibit C**, attached and incorporated herein. The screening plant material shall consist of at least forty-five (45) evergreen trees planted in a double staggered row ten (10) feet on center and off set six (6) feet.

- C. The west buffer yard shall be at least twenty (20) feet wide and planted in substantial compliance with **Exhibit C**.

Section 10. Sign Standards. The District's signs shall comply with the Zoning Ordinance (*WC § 16.08.010*), except as otherwise provided below.

"Area A.2"

"Area A.1"
The maximum permitted area of signage for the Curb Side Pickup Station shall be one hundred (100) square feet, in addition to the existing permitted signage area in "Area A.1". The signage shall be installed in substantial compliance with Exhibits E4, E5, E7 and E8.

- A. Maximum area of signage permitted shall be one (1) square feet per one (1) linear feet of building frontage parallel to right-of-way. For purposes of calculating the amount of permitted signage, the fuel center canopy and depot building (the "Depot Building") shall count as building frontage.
- B. The maximum permitted area of signage shall be one hundred and sixty-one (161) square feet for the fuel canopy and fifty-four (54) square feet for the Depot Building. The "Spring Mill Station" identification signs located on the fuel canopy and rest stop shelters shall not count towards the total square footage requirement.
- C. Electronic signage shall constitute no more than 50% of the total area of signage.
- D. The "Kroger Depot Sign" shall be permitted to extend above the roofline of the Depot.

Section 11. Lighting Standards. The District's lighting shall comply with the Zoning Ordinance (*WC § 16.07.010*).

Section 12. Architectural and Streetscape Design Standards. The procedures and regulations of *WC § 16.04.165 Development Plan Review* applicable to the Underlying Zoning District shall apply. The Real Estate shall be developed in substantial compliance with Exhibit B, attached hereto, and incorporated herein, which illustrates the following: architectural quality, building materials, and site design.

Section 13. Traffic Improvements Developer shall cause to be installed and maintained stop signs and pavement markings at five (5) locations in substantial

compliance (as determined by Department) with those identified in **Exhibit D**.

Section 14. **Timing** The fuel station use on Area A.3 shall be terminated prior to initiating operation of the new fueling center use located on Area A.2.

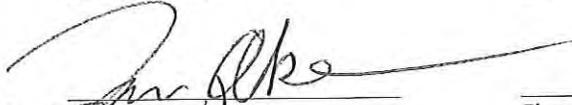
ALL OF WHICH IS ORDAINED/RESOLVED THIS 8th DAY OF SEPTEMBER, 2014.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain



Jim Ake

Jim Ake

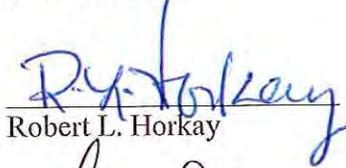
Jim Ake



Steven Hoover

Steven Hoover

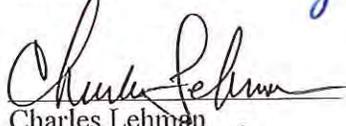
Steven Hoover



Robert L. Horkay

Robert L. Horkay

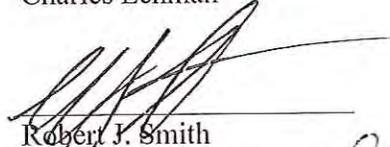
Robert L. Horkay



Charles Lehman

Charles Lehman

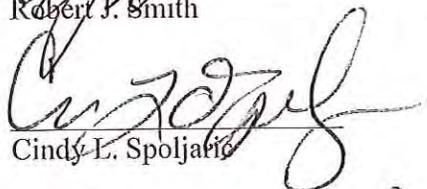
Charles Lehman



Robert J. Smith

Robert J. Smith

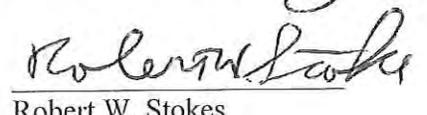
Robert J. Smith



Cindy L. Spoljaric

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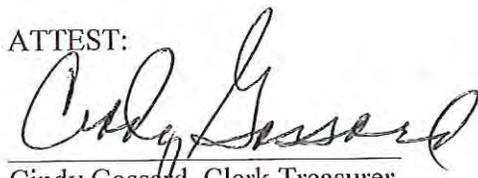


Robert W. Stokes

Robert W. Stokes

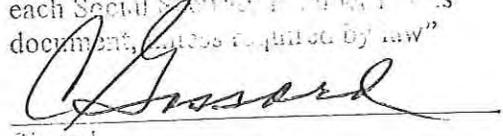
Robert W. Stokes

ATTEST:



Cindy Gossard, Clerk Treasurer

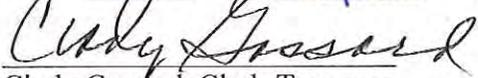
"I affirm, under the penalties of perjury,
that I have taken reasonable steps to ensure that
each Social Security number in this
document, unless required by law"



Signed

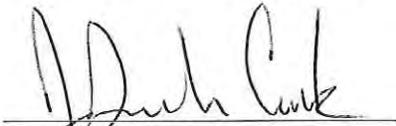
I hereby certify that **ORDINANCE 14-39** was delivered to the Mayor of Westfield

on the 9th day of September, 2014, at 8:05 A m.


Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 14-39**

this 9 day of Sept., 2014.


J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 14-39**

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

This document prepared by: Paula J. Gartner, PE

SCHEDULE OF EXHIBITS

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Exhibit A: Real Estate Legal Description

A1: Grocery Store Expansion Area Legal Description (“Area A1”)

A2: Fuel Center Expansion Area Legal Description (“Area A2”)

A3: Existing Fuel Center Redevelopment Area Legal Description (“Area A3”)

Exhibit B: Character Exhibits

B1: Grocery Store Expansion Area

B2: Fuel Center Expansion Area

Exhibit C: Conceptual Plan

C1: Grocery Store Expansion Conceptual Plan

C2: Fuel Center Expansion Conceptual Plan

C3: Existing Fuel Center Redevelopment Area Conceptual Plan

C4: Fuel Center Expansion Landscape Plan

Exhibit D: Traffic Improvements

D1: Stop Signs and Pavement Markings

Exhibit E: Curb Side Pickup Station
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E4: Overall Site Plan
E5: Site Plan
E6: Canopy Character Exhibits
E7: Signage Exhibits
E8: Canopy Sign Lighting
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E11: Canopy Lighting